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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,390	10/03/2003	Kenneih J. Artis	158079-0003	3517
29000 7590 08/15/2007 IRELL & MANELLA LLP 1800 AVENUE OF THE STARS SUITE 900 LOS ANGELES, CA 90067			EXAMINER LIU, CHIA-YI	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 08/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/678,390

Applicant(s)

ARTIS, KENNETH J.

Examiner

CHIA-YI LIU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3 Oct. 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 6 June 2005 28 Oct 2003 03 Oct 2003
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 13-16, 18-28, 31-40, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Camelio (US 2004/0015427).

As per Claim 1

Camelio ('427) discloses:

a process handling routine for receiving and processing requests for purchases of benefits relating to an undeveloped creative work, see paragraph 0045, lines 3-13.

a storage medium (webpage) for storing user information and associating the patron information to the undeveloped creative work selected by the user, see paragraph 0165 , lines 1-2, 5-10.

an accounting routine that aggregates monetary amounts (money) in a locked account (placed in escrow) for use in development of the undeveloped creative work and releases all or a portion of the aggregated monies when a predefined

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target threshold amount is attained to facilitate completion of the undeveloped creative work, see paragraph 0144, lines 1-6.

a benefit redemption routine having access to the patron information stored in the storage medium, for facilitating electronic notification (email) of patrons associated with a particular undeveloped creative work concerning availability of their purchased benefits, or upon the condition that the predefined target threshold amount is not attained, see paragraph 0177 (lines 2-7), figure 51 (email), and fig. 16 (send announcement, tracking/reports)

As per Claim 2.

Camelio ('427) further discloses means for disseminating to user-interactive devices (ArtistShare) presentation information relating to one or more undeveloped creative works, see paragraph 0107, lines 3-6 and paragraph 0080, lines 2-3, 11-15.

As per Claim 3.

Camelio ('427) further discloses a web server coupled to a storage medium (database) having stored thereon one or more web pages containing the presentation information (information of creative works), see paragraph 0047, lines 3-6, and paragraph 0052, lines 4-6.

As per Claim 4

Camelio ('427) further discloses software instructions for executing steps whereby the presentation information is downloaded to remote computerized machines (PDA, personal computer) configured to allow a plurality of different potential patrons to review the presentation information, see paragraph 0169, lines 11-12, paragraph 0087, lines 3-4, paragraph 0081, lines 23-27.

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As per Claim 5

Camelio ('427) further discloses software instructions for execution on a remote patron computer and data files comprising at least a portion of said presentation information, see paragraph 0087, lines 3-4 and paragraph 0082.

As per Claim 6

Camelio ('427) further discloses presentation information (artist's creations) exists in static medium (CD), wherein said form on a printed or magnetic see paragraph 0085, lines 11-14, and paragraph 0187, lines 24-31.

As per Claim 7

Camelio ('427) further discloses the process handling routine receives electronic payment information from the patron electronically (Internet payment) from user-interactive devices and automatically provides the electronic payment information to said accounting routine for aggregation with other received funds, see paragraph 0087, lines 10-15.

As per Claim 8

Camelio ('427) further discloses the process handling routine collects patron information including the name of the patron and the patron's e-mail address, and associates the patron information with the undeveloped creative work and the purchased benefit, see figure 5 (508, email), and paragraph 0165, lines 1-2, 5-10.

As per Claim 9

Camelio ('427) further discloses benefit redemption routine uses the patron's email address to notify the patron concerning the availability of the patron's purchased benefit or that the predefined target threshold amount was not attained, see paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5.

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As per Claim 10

Camelio ('427) further discloses the purchased benefit comprises a copy (downloadable recording of final project) of or discount relating to the creative work, see paragraph 0120, lines 6-8.

As per Claim 13

Camelio ('427) further discloses data in the storage medium is updated to include presentation information relating to in-progress development (project status, process) or completion of the creative work (finish date, release date), see figure 8.

As per Claim 14

Camelio ('427) further discloses the updated presentation information comprises audio, image and/or [visual] video data, see paragraph 0712 and Fig. 32.

As per Claim 15

Camelio ('427) further discloses an update notification routine having access to the patron information, stored in the storage medium, for facilitating automatic electronic notification of patrons associated with a particular undeveloped creative work concerning the updated presentation information, see paragraph 0165, lines 1-2, paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5.

As per Claim 16

Camelio ('427) further discloses the purchased benefit comprises digital data (CD) relating to the creative work, and wherein a patron may obtain the purchased benefit electronically by accessing the computerized system and requesting electronic transmission of the digital data to a patron's computer, paragraph 0146, lines 1-4.

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As per Claim 18

Camelio ('427) discloses:

providing presentation information concerning an undeveloped creative work, see paragraph 0107, lines 3-4 and Fig. 8

receiving and processing requests for purchases of predefined benefits relating to the undeveloped creative work, see paragraph 0043, lines 10-12.

storing patron information and associating the patron information to the undeveloped creative work, see paragraph 0165 , lines 1-2, 5-10.

aggregating monetary amounts received from the patrons for the undeveloped creative work until a predefined target amount is reached, see paragraph 0144, lines 1-6.

electronically notifying the patrons associated with the undeveloped creative work either concerning attainment of the predefined benefits or that the predefined target amount was not attained and that a refund and/or substitute benefit relating to a different creative work is available, see paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5

As per Claim 19

Camelio ('427) further discloses displaying presentation information about the undeveloped creative work at a computerized device in response to a patron request entered via the computerized device, paragraph 0080, lines 2-4, 11-15.

As per Claim 20

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Camelio ('427) further discloses patron request is received electronically over a distributed network from a remote patron computer (PDA, personal computer), see paragraph 0081, lines 20-27.

As per Claim 21

Camelio ('427) further discloses electronically disseminating presentation information relating to one or more undeveloped creative works to a remote user-interactive device (ArtistShare), paragraph 0080, lines 2-4, 11-15, and paragraph 0081, lines 23-27.

As per Claim 22

Camelio ('427) further discloses presentation information is electronically disseminated by a web server coupled to a storage medium having stored thereon one or more web pages containing the presentation information (information of creative works), see paragraph 0047, lines 3-6, and paragraph 0052, lines 4-6.

As per Claim 23

Camelio ('427) further discloses step of providing information related to an undeveloped creative work comprises the step of storing, on a portable storage medium readable at a remote patron computer (PDA), software instructions for execution on the remote patron computer and data files comprising at least a portion of said presentation information, see paragraph 0087, lines 3-4, paragraph 0081, lines 23-27 and paragraph 0082

As per Claim 24

Camelio ('427) further discloses presentation information exists in static form on a printed or portable [[magnetic]] electronic storage medium (CD), see paragraph 0085, lines 11-14, and paragraph 0187, lines 24-31.



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As per Claim 25

receiving electronic payment (internet payment) information from the patron, see paragraph 0087, lines 10-15.

As per Claim 26

Camelio ('427) further discloses

collecting patron information including the name of the patron and the patron's e-mail address, see figure 5 (508, email)

associating the patron information with the undeveloped creative work and the purchased benefit, see paragraph 0165 , lines 1-2, 5-10.

As per Claim 27

Camelio ('427) further discloses utilizing the patron's email address to electronically notify the patron concerning availability of the patron's predefined benefit or that the predefined target amount was not attained, see paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5.

As per Claim 28

Camelio ('427) further discloses predefined benefit comprises a copy of (downloadable recording of final project) or discount relating to the creative work, see paragraph 0120, lines 6-8

As per Claim 31

Camelio ('427) further discloses allowing selective access by patrons purchasing predefined benefits relating to the undeveloped creative work to updated or additional presentation information relating to in-progress development or

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completion of the creative work, see paragraph 0145, lines 3-5, and paragraph 0140.

As per Claim 32

Camelio ('427) further discloses updated or additional presentation information comprises audio, image and/or [[visual]] video data relating to in-progress development (project status, process) or completion of the creative work (finish date, release date), see figure 8, and paragraph 0172.

As per Claim 33

Camelio ('427) further discloses electronically notifying patrons associated with a particular undeveloped creative work concerning the updated or additional presentation information, see paragraph 0145 lines 1-4, and paragraph 0160, lines 3-5.

As per Claim 34

Camelio ('427) further discloses receiving through electronic means a request from a patron to obtain the predefined benefit; and electronically transmitting (download) the digital data to a remote patron computer (PDA), see paragraph 0087, lines 3-4 and paragraph 0085, lines 1-6, and paragraph 0081, lines 23-27.

As per Claim 35

Camelio ('427) discloses:

an administrative transaction handler for receiving and storing visual and/or audio information about undeveloped creative works, see paragraph 0161, lines 2-4 and paragraph 0172.

a patron transaction handler for conveying the visual and/or audio information

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about one or more undeveloped creative works to remote computerized devices over an electronic network for presentation to potential patrons, see paragraph 0161, and paragraph 0081, lines 23-27

patron transaction handler processing requests received over the electronic network from the remote computerized devices for purchases of predefined future benefits relating to selected ones of the undeveloped creative works, see paragraph 0087, lines 3-4, 10-13.

a storage medium (web page) for storing patron information and associating the patron information to the undeveloped creative work selected by the user, see paragraph 0165, lines 1-2, 5-10 and paragraph 0084, lines 27-30.

an accounting engine that aggregates monetary amounts from the patrons for each of the undeveloped creative works and automatically transmits an electronic notification upon attainment of a predefined target amount, see paragraph 0144, lines 1-6, and fig. 16 (send announcement, tracking/reports)

a benefit redemption processing engine having access to the patron information stored in the storage medium, for electronically (email) notifying those patrons having purchased predefined benefits relating to a particular creative work concerning availability or attainment of their predefined benefits, or that the predefined target amount was not attained, see paragraph 0177 (lines 2-7), figure 51 (email), and fig. 16 (send announcement, tracking/reports)

#### As per Claim 36

Camelio ('427) further discloses patron transaction handler is configured to transmit to the remote computerized devices an identification of a plurality of categories of creative works, and to cause visual and/or audio information to be presented to users concerning only those undeveloped creative works in one or

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more categories interactively selected by the user, see paragraph 0085, lines 1-6 (audio and video file management)

As per Claim 37

Camelio ('427) further discloses categories include one or more of motion pictures, television productions, books, musical works, sculptural works, or still image visual works, see paragraph 0083, lines 7-8.

As per Claim 38

Camelio ('427) further discloses

means for adding and associating with particular creative works updated or additional audio and/or visual presentation information relating to in- progress development of the creative work, see paragraph 0161, lines 2-4.

means for providing selective access to the updated or additional audio and/or visual presentation information for patrons having purchased predefined benefits relating to the creative work, see paragraph 0145 lines 3-4, and paragraph 0139.

As per Claim 39

Camelio ('427) further discloses predefined benefit comprises a copy (downloadable recording of final project) of or discount relating to the creative work, see paragraph 0120, lines 6-8 and paragraph 0125.

As per Claim 40

Camelio ('427) further discloses predefined benefit comprises digital data (CD) relating to the creative work, and wherein said benefits processing engine comprises means for transmitting the digital data to a patron at the patron's request, paragraph 0146, lines 1-4.

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As per Claim 43

Camelio ('427) further discloses accounting engine releases all or a portion of the aggregated monies when a predefined target amount is attained to facilitate completion of the undeveloped creative work, see paragraph 0144, lines 1-6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-12, 29-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Camelio (US 2004/0015427) in view of Pittelli (US 2002/0198763)

As per Claim 11, 29.

Camelio ('427) does not specifically disclose a discount relating to merchandise or service relating to the creative work, other than the creative work itself. Pittelli teaches discounts on merchandise associated with the artist (relating to creative work, other than creative work itself) see paragraph 0021, lines 16-19 for the benefit of attracting fans to financially contribute to the development of artists.

As per Claim 12, 30

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Camelio ('427) does not specifically disclose a copy of or discount on a creative work different from the undeveloped creative work or to other merchandise or services unrelated to the undeveloped creative work, Pittelli teaches discount to other services (concert), see paragraph 0021, lines 16-19, for the benefit of attracting people to financially contribute to the undeveloped work.

Claim 17, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camelio (US 2004/0015427) in view of official notice.

As per Claim 17, 42

Camelio ('427) does not specifically disclose benefit redemption routine electronically transmits a key number to said patrons, which may be used by said patrons to redeem the purchased benefit online and/or at a point-of-sale location.

Official Notice is taken that it is old and well known in the coupon redemption arts to have numbers on coupons for redemption, for example, electronic coupons, for identification of the redemption offer and the associated products.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a number to redeem benefits online.

As per Claim 41

Camelio ('427) does not specifically disclose transmitting to said patrons a digital coupon that is redeemable electronically at an online website.

Official Notice is taken that it is old and well known in the coupon redemption arts to have online coupon for identification of the redemption offer and the associated products.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a coupon to redeem benefits online.

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**Conclusion**

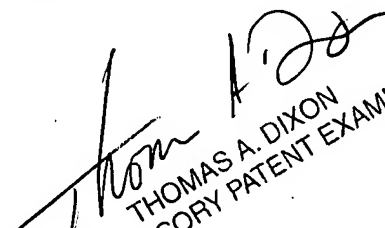
Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-YI LIU whose telephone number is (571) 270-1573. The examiner can normally be reached on Mon-Thur alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TOM DIXON can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHIA-YI LIU  
Examiner  
Art Unit 3609

Jul-07

  
THOMAS A. DIXON  
SUPERVISORY PATENT EXAMINER